

# ***Exhibit B***

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

GUY MITHELL  
*Plaintiff,*

V.

DAVID MAHON AND SCHNEIDER  
NATIONAL CARRIERS, INC.  
*Defendants.*

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Civil Action No. 1:21-cv-00711

**INDEX OF MATTERS BEING FILED**

TO: THE CLERK OF THE WESTERN DISTRICT COURT OF TEXAS, AUSTIN DIVISION

Defendants, Schneider National Carriers, Inc. and David Mahon, attach this Index of  
Matters Being Filed to their Notice of Removal.

1. Docket Report/Case History for Cause No. D-1-GN-21-003194 (dated August 17, 2021);
2. Plaintiff's Original Petition and Jury Demand (filed July 9, 2021);
3. Affidavit of Service for Defendant Schneider National Carriers, Inc. (filed July 19, 2021);
4. Affidavit of Service for Defendant David Mahon (filed July 26, 2021);
5. Defendants' Original Answer and Request for Disclosure (filed August, 9, 2021).

Respectfully submitted,

**CASTAGNA SCOTT, L.L.P.**  
1120 S. Capital of Texas Highway  
Building 2, Suite 270  
Austin, Texas 78746  
512/329-3290  
888/255-0132 fax

By: /s/ Lynn S. Castagna  
Lynn S. Castagna  
State Bar No. 03980520  
[Lynn@texasdefense.com](mailto:Lynn@texasdefense.com)  
Daryl R. Hayes  
State Bar No. 00790844  
[Daryl@texasdefense.com](mailto:Daryl@texasdefense.com)

**ATTORNEYS FOR DEFENDANTS  
SCHNEIDER NATIONAL CARRIERS,  
INC. AND DAVID MAHON**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served upon the following person(s), in the manner(s) indicated below:

**VIA FACSIMILE: 512/477-1855**

**And/or VIA E-SERVICE**

John D. Plumlee  
LORENZ & LORENZ, PLLC  
1515 South Capital of Texas Hwy, #500  
Austin, Texas 78746

and in accordance with the Federal Rules of Civil Procedure, on the 17th day of August, 2021.

/s/ Lynn S. Castagna  
Lynn S. Castagna

[.\(https://www.traviscountytx.gov\).](https://www.traviscountytx.gov)**District Clerk - AARO - Attorney Access to Records Online****Details**

Updated : Tuesday, August 17, 2021 4:35:25 AM

**Cause Number**

D-1-GN-21-003194

[Request Documents \(https://www.traviscountytx.gov/district-clerk/r](https://www.traviscountytx.gov/district-clerk/r)**Style**

MITCHELL V MAHON

[New Search \(/aaro/\)](/aaro/)**Filed Date**

7/9/2021

**Court**

353

**Type**

MOTOR VEHICLE ACCIDENT (GEN LIT)

**Case Status**

PENDING

**Action/Offense****Hearing Date**

Attorney	Type	Party - Full/Business	Party - Person
CASTAGNA LYNN S.	DEFENDANT	SCHNEIDER NATIONAL CARRIERS INC	
CASTAGNA LYNN S.	DEFENDANT		MAHON , DAVID
PLUMLEE JOHN DAVID	PLAINTIFF		MITCHELL , GUY

Date	Court	Party	Description	Category	Pages	
8/9/2021	353	DF	ANSWER/RESPONSE	ANS-RESP	5	<a href="#">Download (/aaro/Default/GetPdf?barCodeId=7718120)</a>
7/26/2021	353	DF	EXECUTED SERVICE	SRVPROCESS	2	<a href="#">Download (/aaro/Default/GetPdf?barCodeId=7697642)</a>
7/19/2021	353	DF	EXECUTED SERVICE	SRVPROCESS	2	<a href="#">Download (/aaro/Default/GetPdf?barCodeId=7691922)</a>
7/14/2021	353	DF	ISS:CITATION	ISSUANCE	1	<a href="#">Download (/aaro/Default/GetPdf?barCodeId=7682596)</a>
7/14/2021	353	DF	ISS:CITATION	ISSUANCE	1	<a href="#">Download (/aaro/Default/GetPdf?barCodeId=7682588)</a>
7/9/2021	353	PL	ORIGINAL PETITION/APPLICATION	PET-PL	6	<a href="#">Download (/aaro/Default/GetPdf?barCodeId=7681804)</a>

[Request Documents \(https://www.traviscountytx.gov/district-clerk/records-request\)](https://www.traviscountytx.gov/district-clerk/records-request)[New Search \(/aaro/\)](/aaro/)

7/9/2021 4:35 PM

Velva L. Price  
District Clerk  
Travis County  
D-1-GN-21-003194  
Victoria Benavides

CAUSE NO. D-1-GN-21-003194

GUY MITCHELL

*Plaintiff,*

VS.

DAVID MAHON, and  
SCHNEIDER NATIONAL CARRIERS,  
INC.

*Defendant.*

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IN THE DISTRICT COURT

353rd \_\_\_\_ JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION & JURY DEMAND**

TO THE HONORABLE JUDGE OF THIS COURT:

NOW COMES Plaintiff GUY MITCHELL and files this, Plaintiff's Original Petition, complaining of Defendants DAVID MAHON, and SCHNEIDER NATIONAL CARRIERS, INC., and would show the Court as follows:

**I. DISCOVERY PLAN LEVEL**

1. Plaintiff intends to conduct discovery under Level 3 of Tex. R. Civ. P. 190.4 and affirmatively pleads that this suit is not governed by the expedited-actions process in Tex. R. Civ. P. 169.

**II. PARTIES**

2. Plaintiff is an individual residing in Austin, Travis County, Texas.

3. Defendant David Mahon (hereinafter Mahon) is an individual residing 112 Ben Mark Dr, Harvest, Alabama 35749. Issuance of citation is requested at this time.

4. Defendant SCHNEIDER NATIONAL CARRIERS, INC. (hereinafter “SNC”) is a business entity doing business in Texas. Pursuant to Tex. R. Civ. P. 28, Plaintiff requests that the true name of this business is substituted. This Defendant can be served with citation by serving its registered agent, CT CORPORATION SYSTEM, at 1999 Bryan St #900, Dallas, TX 75201. Issuance of citation is requested at this time.

### **III. JURISDICTION AND VENUE**

5. Damages sought beyond the minimum jurisdictional limits of this Court. In accordance with Tex. R. Civ. P. 47, Plaintiff seeks monetary relief of more than \$250,000 but less than \$5,000,000.

6. Pursuant to Tex. Civ. Prac. & Rem. Code § 15.002, venue is proper in Travis County because the collision that is the subject of this lawsuit occurred in Travis County, Texas and/or Plaintiff resides in Travis County, Texas.

### **IV. FACTUAL BACKGROUND**

7. On April 19, 2020, in Austin, Texas, Plaintiff was traveling along IH-35 in Austin, Texas in his vehicle when Defendant Mahon, improperly entered Plaintiff’s lane and violently struck Plaintiff’s vehicle. At the time of the wreck, Defendant Mahon was driving a tractor-trailer on behalf of Defendant SNC and in furtherance of SNC’s business. As a result of Defendants’ negligence, Plaintiff sustained serious injuries and incurred damages.

## **V. CAUSES OF ACTION**

### **A. DEFENDANT MAHON**

8. Defendant Mahon had common-law and statutory duties to use ordinary care in the operation of Defendant SNC's vehicle. Defendant Mahon negligently breached those duties and that negligence proximately caused injury and damage to Plaintiff. Specifically, Defendant Mahon was negligent and negligent per se in the following particulars:

- a. failing to control his speed;
- b. failing to abide by Tex. Transp. Code § 545.060(a), which provides that:

“An operator on a roadway divided into two or more clearly marked lanes for traffic: (1) shall drive as nearly as practical entirely within a single lane; and (2) may not move from the lane unless that movement can be made safely;”
- c. failing to take proper evasive action so as to avoid a collision with Plaintiff's vehicle;
- d. failing to apply timely his brakes so as to avoid a collision with Plaintiff's vehicle; and
- e. in all things failing to act as a reasonable person using ordinary care in the same or similar circumstances.

Each of these acts of negligence was a proximate cause of the collision and the Plaintiff's injuries and damages.

**B. DEFENDANT SNC**

9. Defendant SNC is liable to Plaintiff for the acts and omissions of Defendant SNC's employee as well as its own carelessness under each of the following legal doctrines and theories of recovery:

- a. Respondeat Superior. Defendant SNC is responsible to Plaintiff for the acts of its employee Defendant Mahon which were a proximate cause of the collision and Plaintiff's injuries and damages under the doctrine of respondeat superior;
- b. Joint Enterprise. Defendant SNC, along with Defendant Mahon, engaged in a joint enterprise whereby they had an agreement (either express or implied) with respect to the business mission at the time of the collision, a common purpose, a common business or pecuniary interest, and an equal right to direct and control the enterprise (thereby imputing the acts of Defendant Mahon in proximately causing the collision to Defendant SNC);
- c. Joint Venture. Defendant SNC, along with Defendant Mahon, engaged in a joint venture whereby they had a community of interest in the venture with respect to the business mission at the time of the collision, an agreement to share profits, and express agreement to share losses, and a mutual right of management of the venture (thereby imputing the acts of the Defendant Mahon in proximately causing the collision to Defendant SNC) ; and
- d. Negligent Entrustment. Defendant SNC's negligent entrustment of the vehicle to Defendant Mahon was also a proximate cause of Plaintiff's damages. The tractor trailer driven by Defendant Mahon at the time of this collision was owned by Defendant SNC and was operated with Defendant SNC's permission. Defendant SNC entrusted its vehicle to Defendant Mahon even though Defendant SNC knew or should have known that Defendant Mahon was a reckless, incompetent driver, and such negligent entrustment was a proximate cause of the occurrence in question and Plaintiff's injuries and damages.

Each of these acts of negligence was a proximate cause of the collision and the Plaintiff's injuries and damages.



## **VI. DAMAGES**

10. Because of Plaintiff's injuries and damages proximately caused by Defendants' negligence committed jointly and severable, Plaintiff is entitled to reasonable compensation for the following elements of damages both up to the time of trial and beyond:

- a. reasonable and necessary medical expenses;
- b. lost wages and loss of earning capacity;
- c. physical impairment;
- d. physical pain and mental anguish; and
- e. disfigurement.

Considering each of these elements, Plaintiff has suffered damages beyond the minimum jurisdictional limits of this court.

## **VII. TRCP 193.7 NOTICE**

11. Pursuant to Tex. R. Civ. P. 193.7, Plaintiff hereby gives notice of his intent to use all documents produced by any party at the time of trial without need for further authentication.

## **IX. JURY DEMAND**

12. Pursuant to Tex. R. Civ. P. 216, Plaintiff request a trial by jury and would show that the appropriate fee was paid contemporaneously with the filing of this Petition.


## **X. PRAYER**

13. Plaintiff prays that he have judgment against the Defendants, jointly and severally, for the actual damages pre-judgment and post-judgment interest at the legal rates for the time

periods permitted by law, costs of court, and for all other relief, legal and equitable, to which Plaintiff is entitled.

Respectfully submitted,

LORENZ & LORENZ, P.L.L.C.  
1515 South Capital of Texas Hwy, #500  
Austin, Texas 78746  
Telephone: (512) 477-7333  
Facsimile: (512) 477-1855  
[jplumlee@lorenzandlorenz.com](mailto:jplumlee@lorenzandlorenz.com)

By:   
John D. Plumlee  
State Bar No. 24079145

ATTORNEY FOR PLAINTIFF

7/19/2021 5:02 PM

**Velva L. Price**  
**District Clerk**  
**Travis County**  
**D-1-GN-21-003194**  
**Sandra Santos**

**CAUSE NO. D-1-GN-21-003194**

GUY MITCHELL  
**PLAINTIFF**

VS.

DAVID MAHON, ET AL  
DEFENDANT

IN THE 353rd District Court

TRAVIS COUNTY, TX

## RETURN OF SERVICE

**ON Friday, July 16, 2021 AT 2:15 PM**

CITATION, PLAINTIFF'S ORIGINAL PETITION & JURY DEMAND for service on SCHNEIDER NATIONAL CARRIERS INC C/O REGISTERED AGENT CT CORPORATION SYSTEM came to hand.

**ON Monday, July 19, 2021 AT 3:04 PM, I, DON ANDERSON, PERSONALLY DELIVERED THE ABOVE-NAMED DOCUMENTS TO:** SCHNEIDER NATIONAL CARRIERS INC C/O REGISTERED AGENT CT CORPORATION SYSTEM, by delivering to Kirk Atkins, 1999 BRYAN ST #900, DALLAS, DALLAS COUNTY, TX 75201.

My name is DON ANDERSON. My address is 1900 Brown, BALCH SPRINGS, TX 75180. I am a private process server certified by the Texas Judicial Branch Certification Commission (PSC 4232, expires 8/31/2022). My e-mail address is info@cas-serve.com. My date of birth is 7/14/1956. I am in all ways competent to make this statement, and this statement is based on personal knowledge. I am not a party to this case and have no interest in its outcome. I declare under penalty of perjury that the foregoing is true and correct.

Executed in DALLAS COUNTY, TX on Monday, July 19, 2021.

/S/ DON ANDERSON

CITATION  
THE STATE OF TEXAS  
CAUSE NO. D-1-GN-21-003194

GUY MITCHELL

, Plaintiff

vs.

DAVID MAHON AND SCHNEIDER NATIONAL CARRIERS

, Defendant

TO: SCHNEIDER NATIONAL CARRIERS INC  
BY SERVING ITS REGISTERED AGENT CT CORPORATION SYSTEM  
1999 BRYAN ST #900  
DALLAS, TEXAS 75201

Defendant, in the above styled and numbered cause:

**YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at [TexasLawHelp.org](http://TexasLawHelp.org).**

Attached is a copy of the PLAINTIFFS ORIGINAL PETITION AND JURY DEMAND of the PLAINTIFF in the above styled and numbered cause, which was filed on JULY 9, 2021 in the 353RD JUDICIAL DISTRICT COURT of Travis County, Austin, Texas.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, July 14, 2021.

## REQUESTED BY:

JOHN DAVID PLUMLEE  
1515 SOUTH CAPITAL OF TEXAS HWY # 500  
AUSTIN, TX 78746  
BUSINESS PHONE: (512) 477-7333 FAX: (512) 477-1855



*Velva L. Price*  
Velva L. Price  
Travis County District Clerk  
Travis County Courthouse  
1000 Guadalupe, P.O. Box 679003 (78767)  
Austin, TX 78701

PREPARED BY: VICTORIA BENAVIDES

## ----- RETURN -----

Came to hand on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ M., and executed at \_\_\_\_\_ within the County of \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ M., by delivering to the within named \_\_\_\_\_, each in person, a true copy of this citation together with the PLAINTIFFS ORIGINAL PETITION AND JURY DEMAND accompanying pleading, having first attached such copy of such citation to such copy of pleading and endorsed on such copy of citation the date of delivery.

Service Fee: \$ \_\_\_\_\_

\_\_\_\_\_  
Sheriff / Constable / Authorized Person

Sworn to and subscribed before me on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

By: \_\_\_\_\_

\_\_\_\_\_  
Printed Name of Server\_\_\_\_\_  
Notary Public, THE STATE OF TEXAS\_\_\_\_\_  
County, Texas

D-1-GN-21-00 194

SERVICE FEE NOT PAID

P01 - 000108646

7/26/2021 7:46 AM

Velva L. Price  
District Clerk  
Travis County  
D-1-GN-21-003194  
Norma Ybarra

**CAUSE NO. D-1-GN-21-003194**

GUY MITCHELL  
**PLAINTIFF**

VS.

DAVID MAHON, ET AL  
**DEFENDANT**

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IN THE 353rd District Court

TRAVIS COUNTY, TX

**RETURN OF SERVICE**

**ON Friday, July 16, 2021 AT 2:15 PM**

CITATION, PLAINTIFF'S ORIGINAL PETITION & JURY DEMAND for service on DAVID MAHON came to hand.

**ON Friday, July 23, 2021 AT 8:40 AM, I, Cary Orr, PERSONALLY DELIVERED THE ABOVE-NAMED DOCUMENTS TO:** DAVID MAHON, 112 BEN MARK DR, HARVEST, MADISON COUNTY, AL 35749.

My name is Cary Orr. My address is 130 INVERNESS PLAZA SUITE 500, BIRMINGHAM, AL 35242. My date of birth is 4/14/1968. I am in all ways competent to make this statement, and this statement is based on personal knowledge. I am not a party to this case and have no interest in its outcome. I declare under penalty of perjury that the foregoing is true and correct.

Executed in MADISON COUNTY, AL on Friday, July 23, 2021 AT 8:40 AM.

/S/ Cary Orr

D-1-GN-21-003194

Doc ID: 284347\_1

CITATION  
THE STATE OF TEXAS  
CAUSE NO. D-1-GN-21-003194

GUY MITCHELL

, Plaintiff

vs.

DAVID MAHON AND SCHNEIDER NATIONAL CARRIERS

, Defendant

TO: DAVID MAHON  
112 BEN MARK DR  
HARVEST, ALABAMA 35749

Defendant, in the above styled and numbered cause:

**YOU HAVE BEEN SUED.** You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at [TexasLawHelp.org](http://TexasLawHelp.org).

Attached is a copy of the PLAINTIFFS ORIGINAL PETITION AND JURY DEMAND of the PLAINTIFF in the above styled and numbered cause, which was filed on JULY 9, 2021 in the 353RD JUDICIAL DISTRICT COURT of Travis County, Austin, Texas.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, July 14, 2021.

REQUESTED BY:  
JOHN DAVID PLUMLEE  
1515 SOUTH CAPITAL OF TEXAS HWY # 500  
AUSTIN, TX 78746  
BUSINESS PHONE: (512) 477-7333 FAX: (512) 477-1855



*Velva L. Price*  
Velva L. Price  
Travis County District Clerk  
Travis County Courthouse  
1000 Guadalupe, P.O. Box 679003 (78767)  
Austin, TX 78701

PREPARED BY: VICTORIA BENAVIDES

--- RETURN ---

Came to hand on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ at \_\_\_\_ o'clock \_\_\_\_ M., and executed at \_\_\_\_\_ within the County of \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ at \_\_\_\_ o'clock \_\_\_\_ M.

by delivering to the within named \_\_\_\_\_, each in person, a true copy of this citation together with the PLAINTIFFS ORIGINAL PETITION AND JURY DEMAND accompanying pleading, having first attached such copy of such citation to such copy of pleading and endorsed on such copy of citation the date of delivery.

Service Fee: \$ \_\_\_\_\_

\_\_\_\_\_  
Sheriff / Constable / Authorized Person

Sworn to and subscribed before me this \_\_\_\_ the \_\_\_\_

By: \_\_\_\_\_

\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Printed Name of Server

\_\_\_\_\_  
Notary Public, THE STATE OF TEXAS

\_\_\_\_\_  
County, Texas

D-1-GN-21-003194

SERVICE FEE NOT PAID

P01 - 000108641

8/9/2021 8:32 AM

Velva L. Price

District Clerk

Travis County

D-1-GN-21-003194

Jessica A. Limon

CAUSE NO. D-1-GN-21-003194

GUY MITCHELL  
*Plaintiff,*

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IN THE DISTRICT COURT OF

V.

353<sup>RD</sup> JUDICIAL CDISTRICT

DAVID MAHON AND SCHNEIDER  
 NATIONAL CARRIERS, INC  
*Defendants.*

TRAVIS COUNTY, TEXAS

**DEFENDANTS SCHNEIDER NATIONAL CARRIERS, INC. AND DAVID MAHON'S  
 ORIGINAL ANSWER AND REQUEST FOR DISCLOSURE**

TO THE HONORABLE COURT:

COME NOW Defendants Schneider National Carriers, Inc. and David Mahon, and file their Original Answer and Request for Disclosure, and as grounds for such would respectfully show unto the Court as follows:

**I.  
 GENERAL DENIAL**

1. The TEXAS RULES OF CIVIL PROCEDURE and, in particular Rule 92, affords citizens and corporations of this state certain protections with respect to lawsuits of this type. Accordingly, Defendants invoke the provisions of that rule and do generally deny the allegations now made against them by the Plaintiff and his attorney.

2. At any trial of this cause, Defendants will exercise their legal rights in this regard and require Plaintiff to carry the burden of proof, which the law imposes upon him to prove each and every material allegation contained in his pleadings by a preponderance of the credible evidence.

**II.  
 DEFENSES**

3. Defendants would show that Plaintiff's alleged injuries and damages were

proximately caused by his own negligent conduct, both of omission and commission, in one or more of the following respects:

- (a) Failing to drive in a single lane in violation of §545.060(a) of the TEXAS TRANSPORTATION CODE;
- (b) Making an unsafe lane change
- (c) Failing to timely and properly apply his brakes;
- (d) Faulty evasive action;
- (e) Failing to keep a proper lookout;
- (f) Driving at an excess speed in violation of §545.351 of the TEXAS TRANSPORTATION CODE;
- (g) Failing to control his speed;
- (h) Driving recklessly in violation of §545.401 of the TEXAS TRANSPORTATION CODE; and
- (i) Leaving the scene of an accident in violation of TEXAS TRANSPORTATION CODE §550.021 and §550.022

Each of these acts and/or omissions, singularly or in combination with the others, constituted negligence and negligence per se which proximately caused the occurrence made the basis of Plaintiff's action and all damages alleged in this case.

4. Defendants are entitled to the full rights and benefits provided by the TEXAS RULES OF CIVIL PROCEDURE and the TEXAS CIVIL PRACTICE & REMEDIES CODE regarding the apportionment of responsibility among responsible persons and the rights to any applicable credits, reductions, and/or limitations on damages and upon any judgment that may be entered in this lawsuit.

5. Defendants would show that Plaintiff's damages, if any, were proximately caused by preexisting or subsequent physical conditions and medical conditions and/or accidents.

6. As to medical expenses only the amount actually paid and/or incurred by Plaintiff is recoverable by Plaintiff in this lawsuit. TEX. CIV. PRAC. & REM. CODE SECTION 41.0105. Any amount that is discounted, written off, or adjusted following contribution of a third party payor (including but not limited to Medicaid, Medicare or by Managed Care Administrator) is not an



amount that is “paid or incurred,” and should not be submitted to the jury or included in any economic damage award.

7. Plaintiff’s damages with respect to loss of earnings and/or loss of earning capacity, if any, are limited to a net loss after reduction for income tax payments or unpaid tax liability pursuant to any federal income tax law as set forth in §18.091 of the TEXAS PRACTICE & REMEDIES CODE.

**III.**  
**REQUEST FOR DISCLOSURE**

8. Pursuant to Tex. R. Civ. P. 194, Plaintiff is hereby requested to disclose within 30 days after service of this Original Answer and Request for Disclosure, the information or material listed in Rule 194.2, with such information or material to be produced at Castagna Scott LLP, 1120 S. Capital of Texas Highway, Building 2, Suite 270, Austin, Texas 78746.

**IV.**  
**JURY DEMAND**

9. Defendants Schneider National Carriers, Inc. and David Mahon demand a trial by jury and tender their jury fee.

**V.**  
**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendants Schneider National Carriers, Inc. and David Mahon pray that upon final hearing hereof that Plaintiff take nothing by way of his causes of action against Defendants, that costs of court be assessed against Plaintiff, and for such other and further relief to which Defendants may show themselves justly entitled, either at law or in equity.

Respectfully submitted,

**CASTAGNA SCOTT LLP**  
1120 S. Capital of Texas Highway  
Building 2, Suite 270  
Austin, Texas 78746  
512/329-3290  
888/255-0132 fax

By: /s/ Lynn S. Castagna  
Lynn S. Castagna  
State Bar No. 03980520  
[Lynn@texasdefense.com](mailto:Lynn@texasdefense.com)  
Daryl R. Hayes  
State Bar No. 00790844  
[Daryl@texasdefense.com](mailto:Daryl@texasdefense.com)

**ATTORNEYS FOR DEFENDANTS  
SCHNEIDER NATIONAL CARRIERS,  
INC. AND DAVID MAHON**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served upon the following person(s), in the manner(s) indicated below:

**VIA FACSIMILE: 512/477-1855**

**And/or VIA E-SERVICE**

John D. Plumlee  
LORENZ & LORENZ, PLLC  
1515 South Capital of Texas Hwy, #500  
Austin, Texas 78746

and in accordance with the Texas Rules of Civil Procedure, on the 9th day of August, 2021.

/s/ Lynn S. Castagna  
Lynn S. Castagna